



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1266

AUG 10 2009

Mr. Pedro Nieves Miranda, Chair
Environmental Quality Board
Post Office Box 11488
San Juan, Puerto Rico 00910

Re: Required Revisions to Puerto Rico's Solid Waste Regulations

Dear Mr. Nieves:

I am writing to re-emphasize the need that the Environmental Quality Board (EQB) take the necessary steps to revise Puerto Rico's solid waste regulations to be consistent with federal landfill criteria (40 CFR Part 258). This is one of the issues we have recently discussed both by telephone and during your visit to New York City.

The consistency of Puerto Rico's regulations with federal landfill criteria formed the basis for EPA's approval of Puerto Rico's municipal solid waste permit program in 1993. In 1997, EQB modified the EPA-approved 1993 version of the regulations without consulting EPA. The modified regulations significantly weakened landfill controls and have rendered Puerto Rico's regulations no longer consistent with the federal requirements.

The key changes that EQB made are of concern to EPA include: removal of the requirement that a professional engineer certify satisfaction of closure and post-closure standards; unacceptable revision of the lateral expansion definition; weakening of the hydraulic conductivity standard for composite liners; removal of educational and licensing requirements for personnel involved with hydrology and ground water monitoring; revision of the definition of an "existing solid waste facility"; and, elimination of financial assurance requirements for municipalities.

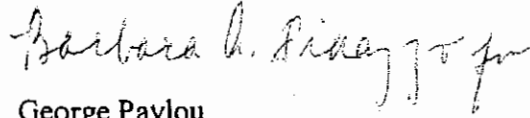
We have discussed this issue many times through previous correspondence and meetings with no resolution. Enclosed for your information are two prior EPA letters addressed to the Governor of Puerto Rico and your predecessor at EQB.

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I would appreciate if you could make this a top priority. My staff is ready to work with EQB staff to rectify this critical issue as expeditiously as possible. Please have your representative contact Joann Brennan-McKee at (212) 637- 3803 or Adolph Everett at (212) 637-4109.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Pavlou", written in a cursive style.

George Pavlou
Acting Regional Administrator

Enclosures